

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

JOHN BAZANT,

Plaintiff,

vs.

UNITED STATES OF AMERICA  
TRANSPORTATION SECURITY  
ADMINSTRATION, Div. of Dept. of  
Homeland Security,

Defendant.

CV 23-135-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on October 23, 2024. (Doc. 19). The Magistrate recommended that Defendant's Motion to Dismiss (Doc. 9) should be granted as to Count III and as to Plaintiff's request for an award of attorney's fees, and denied in all other respects. (Doc. 19 at 18). Further, that Plaintiffs request for leave to file an amended complaint should be granted. (*Id.* at 19).


Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell*

*Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 19) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant’s Motion to Dismiss (Doc. 9) is GRANTED as to Count III and as to Plaintiff’s request for an award of attorney fees, and DENIED in all other respects. In addition, Plaintiff’s request for leave to file an amended complaint is GRANTED.

DATED this 2<sup>nd</sup> day of January, 2025.

  
SUSAN P. WATTERS  
United States District Judge